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EXAMINER	
CONTEE, JOY KIMBERLY	
ART UNIT	**PAPER NUMBER**
2686	4

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/871,111	COMSTOCK ET AL.	
	Examiner	Art Unit	
	Joy K Contee	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-16,18-23,28,30-32,34,36-42,45-64 and 66-69* is/are rejected.

7)☐ Claim(s) *7,17,24-27,29,33,35,43-44,65* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,6,8,9,14,15,16,18,23,28,50,53 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Laybourn et al. (Laybourn), 6,625,439.

Regarding claims 1 and 14, Laybourn discloses a method (and portable device) of crediting an account of a network access node, comprising:

receiving a data signal (i.e., reads on transfer of data file) at the network access node (i.e., reads on SMS Gateway, ABS Gateway and IVR)) (col. 3,lines 19-33);

forwarding the data signal (i.e., reads on data file via SMS messages) wirelessly to a network user node (col. 3, lines 48-54); and

providing account crediting information (i.e., reads on credit refresh) to an accounting system (i.e., reads on NBAS) , wherein the account crediting information represents a credit to be recorded for an account associated with the network access node (col. 6, lines 21-57).

Regarding claim 6, Laybourn discloses the method of claim 1, further comprising providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (i.e., reads on device 10) (col. 3, lines 14-18).

Regarding claim 8, Laybourn discloses the method of claim 1, wherein the network user node is a portable, handheld device having a display (col. 2,lines 65-67 to col. 3,lines 1-5).

Regarding claim 9, Laybourn discloses the method of claim 1, wherein the credit is based on the forwarded data signal (col. 3,lines 34-54).

Regarding claim 15, Laybourn discloses the portable device of claim 14, wherein the portable device is inherently configured to operate in an ad hoc network (i.e., reads on memory device in device 10 containing software applications concerning subscriber account information) (col. 3,lines 6-13) .

Regarding claim 16, Laybourn discloses the portable device of claim 14, further comprising means for providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (i.e., reads on device 10) (col. 3, lines 14-18).

Regarding claim 18, Laybourn discloses the portable device of claim 14, wherein the credit is based on the forwarded data signal (col. 3,lines 34-54).

Regarding claim 23, Laybourn discloses an accounting method for crediting an account associated with a network access node, comprising:

receiving a communication event message (i.e., reads on SMS message), wherein the communication event message inherently includes identification data (i.e., inherently SMS messages are addressed for delivery) representing a network access node, wherein the communication event message is received in response to the network access node receiving and forwarding a data signal on behalf of a network user node(i.e., reads on device 10); and

crediting an account associated with the network access node based on the communication event message (col. 3,lines 45-58).

Regarding claim 28, Laybourn discloses the accounting method of claim 23, wherein the communication event message includes inherently second identification data representing the network user node, further comprising debiting an account associated with the network user node (col. 3,lines 14-18).

Regarding claim 50, Laybourn discloses a system for crediting an account associated with a network access node, comprising: a network access node (i.e., reads on SMS Gateway, ABS Gateway or IVR) configured to provide a communication link with a network (see Fig. 1, #181,#191 and #30); a network user node (i.e., reads on device 10) configured to provide a wireless communication link with the network access node (see Fig. 1); and an accounting system (i.e., reads on NBAS and EAS) configured to credit an account associated with the network access node based on a communication between the network user node and the network (col. 3,lines 14-54).

Regarding claim 52, Laybourn discloses the system of claim 50, wherein the network access node is an access point coupled to a network, wherein the network

includes a public switched telephone network (i.e., inherently calls are received from a public telephone (e.g., reads on the fact the calls to the mobile device in the GSM system invoke call charging based on the calling tariff tables, hence in GSM it is known for mobiles to receive calls from a public telephones) (col. 3, lines 14-18).

Regarding claim 53, Laybourn discloses the system of claim 50, wherein the accounting system is further configured to debit an account associated with the remote node based on the communication between the network user node and the network (col. 3, lines 14-18).

Regarding claim 54, Laybourn discloses the system of claim 50, wherein the network user node is a portable handheld device having a display (col. 2,line 66-col. 3,line 5).

3. Claim 55 is rejected under 35 U.S.C. 102(e) as being anticipated by Evans et al. (Evans), U.S. Patent Application Publication No. 2003/0152053.

Regarding claim 55, Evans discloses a wireless communication module for a public telephone coupled to a public switched telephone network, comprising a wireless local area network (WLAN) transceiver circuit configured to provide a wireless communication link between the public switched telephone network (i.e., reads on ATM switch 10 coupled to access point 12 (e.g., base station transceiver)) and a network user node (i.e., reads on mobile terminals) (col. 1, paragraph [0013] and see Fig. 1).

4. Claims 55-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Struhsaker et al. (Struhsaker), U.S. Patent No. 6,564,051.

Regarding claim 55, Struhsaker discloses a wireless communication module (i.e, reads on subscriber integrated access device (IAD) for a public telephone coupled to a public switched telephone network, comprising a wireless local area network (WLAN) transceiver circuit configured to provide a wireless communication link between the public switched telephone network (i.e., reads on NT220, the external point to which data lines and phone lines within a residence or office are brought to connect with a local telephone service provider, hence the PSTN) and a network user node (col. 9, lines 15-31).

Regarding claim 56, Stuhsaker discloses the wireless communication module of claim 55, further comprising a tamper-resistant (i.e., inherent since DC battery in subscriber IAD includes an internal tamper alarm circuit, also since IAD is located outside a user home, it must be tamper-resistant) casing surrounding the transceiver circuit (col. 9,line 48- to col. 10,line 41).

Regarding claim 57, Struhsaker discloses the wireless communication module of claim 55, further comprising a digital subscriber line (DSL) circuit configured to communicate between the public switched telephone network and the transceiver circuit. (col. 9,lines 5-15)

5. Claims 59-64,66-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson, U.S. Patent No. 6,029,062.

Regarding claim 59, Hanson discloses a method of adjusting at least one of an account of a first person associated with a network access node and an account of a second person associated with a network user node, comprising: receiving a data signal

at the network access node (i.e., frame relay coupled to roaming platform); forwarding the data signal wirelessly to the network user node (i.e., reads on prepay wireless platform); and providing account adjustment information to an accounting system, wherein the account adjustment information represents at least one of a credit to be recorded to the first person's account and a debit to be recorded to the second person's account (col. 7,line 1 to col, 8,line 27).

Regarding claim 60, Hanson discloses the method of claim 59, wherein the network access node is a repeater (i.e., reads on .frame relay network 90) (col. 4,lines - 43).

Regarding claim 61, Hanson discloses the method of claim 60, wherein the network access node is further part of an ad hoc network (i.e., reads on LAN) (col. 5,lines 35-40).

Regarding claim 62, Hanson discloses the method of claim 59, wherein the network access node is an access point (col. 3,line 62 to col. 4,line 43).

Regarding claim 63, Hanson discloses the method of claim 59, wherein the account information represents a credit to be recorded to the first person's account (i.e., reads on more than one customer) (col. 7,line 60 to col. 8,line 6).

Regarding claim 64, Hanson discloses the method of claim 59, wherein the account information represents a debit to be recorded to the second person's account (col. 8,lines 1-6).

Regarding claim 66, Laybourn discloses the method of claim 59, wherein the network user node is a portable, handheld device having a display (see Fig. 1).

Regarding claim 67, Laybourn discloses the method of claim 59, wherein the credit is based on the forwarded data signal (col. 5,lines 35-40).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2-5,12,13,21,22,30,31,32,34,36,37,40,41,42,45,46,49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laybourn, in view of Gray, U.S. Patent No. 6,675,012.

Regarding claim 2, Laybourn discloses the method of claim 1, but fails to explicitly disclose wherein the network access node is a repeater.

In a similar field of endeavor Gray discloses wherein the network access node is a repeater (i.e., reads on router 20 coupled between the control hub 16 and the Packet Data Network (PDN) 24 (see col. 6,lines 45-51 and Fig. 1).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include repeater or router as a network access node for the purpose of relaying data from a mobile user or network user node to the network.

Regarding claim 3, Laybourn discloses the method of claim 2, but fails to explicitly disclose wherein the network access node is further part of an ad hoc network.

Gray further discloses an ad hoc network (i.e., reads on WLAN operable pursuant IEEE 802.11) (col. 5, lines 54-65).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include an access point which is part of an "ad hoc network" for the purpose of providing a small network, especially one with wireless or temporary plug-in connections, in which some of the network devices are part of the network only for the duration of a communications session or, in the case of mobile or portable devices, while in some close proximity to the rest of the network.

Regarding claim 4, Laybourn discloses the method of claim 1, but fails to explicitly disclose wherein the network access node is an access point (i.e., reads on access points 14 coupled to control hub 16 (col. 6,lines 46-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include access points as a network access node for the purpose of relaying data from a mobile user or network user node to the network, i.e., via the router.

Regarding claim 5, Laybourn as modified by Gray, discloses the method of claim 4, wherein the data signal is inherently received from a public telephone (i.e., reads on the fact the calls to the mobile device in the GSM system invoke call charging based on the calling tariff tables, hence in GSM it is known for mobiles to receive calls from a public telephones) (col. 3, lines 14-18).

Regarding claims 12 and13, Laybourn and Laybourn as modified by Gray disclose the method of claims 1 and 12,resepectively, Gray further discloses wherein

the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol and IEEE 802.11 (col. 5, lines 54-65).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include operation in a WLAN environment using IEEE 802.11 such that a frequency band is available for use by the system is also utilizable by another communication system operable pursuant to another communication standard.

Regarding claim 21, Laybourn discloses the portable device of claim 14, but fails to explicitly disclose wherein the means for forwarding includes a wireless local area network (WLAN) transmitter.

Gray further discloses wherein the means for forwarding includes a wireless local area network (WLAN) transmitter (i.e., reads on mobile station operable on WLAN) (col. 4,lines 42-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include operation in a WLAN environment using IEEE 802.11 such that a frequency band is available for use by the system is also utilizable by another communication system operable pursuant to another communication standard.

Regarding claim 22, Laybourn as modified by Gray discloses the portable device of claim 21, wherein the network user node is a portable device (see Laybourn, col. 2,lines 65-67).

Regarding claim 30, Laybourn discloses the accounting method of claim 23, but fails to disclose wherein the network access node receives and forwards the data signal via a wireless local area network (WLAN) protocol.

Gray discloses wherein the network access node receives and forwards the data signal via a wireless local area network (WLAN) protocol (i.e., reads on mobile station operable on WLAN) (col. 4,lines 42-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include operation in a WLAN environment using IEEE 802.11 such that a frequency band is available for use by the system is also utilizable in another communication standard.

Regarding claims 31 and 41, Laybourn discloses the limitations of claims 31 and 41, as applied to claim 1 above. However, claims 31 and 41 add an additional limitation wherein the WLAN is used to communicate, i.e., transmit or forward data to network user node.

Gray further discloses wherein the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol and IEEE 802.11 (col. 5, lines 54-65).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include operation in a WLAN environment using IEEE 802.11 such that a frequency band is available for use by the system is also utilizable by another communication system operable pursuant to another communication standard.

Regarding claims 32 and 42, Laybourn as modified by Gray disclose the method of claims 31 and 41, wherein the data signal is received from a public telephone (i.e., reads on the fact the calls to the mobile device in the GSM system invoke call charging based on the calling tariff tables, hence in GSM it is known for mobiles to receive calls from a public telephones) (col. 3, lines 14-18).

Regarding claims 34 and 49,Laybourn as modified by Gray discloses the method of claims 31 and 41, respectively, further comprising providing account debiting information to the accounting system, wherein the account debiting information represents a debit to be recorded for an account associated with the network user node (see Laybourn, col. 3, lines 14-18)..

Regarding claim 36, Laybourn as modified by Gray disclose the method of claim 31, wherein the network user node is a portable, handheld device having a display (see Laybourn, col. 2,line 65 to col. 3, line 5).

Regarding claims 37 and 46, Laybourn as modified by Gray discloses the method of claims 31 and 41, wherein the credit is based on the forwarded data signal (see Laybourn, col. 3,lines 34-54).

Regarding claims 40 and 45, Laybourn as modified by Gray discloses the method of claims 31 and 41, wherein the wireless local area network protocol is the IEEE 802.11 protocol. (see Gray, col. 5,lines 54-65).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include operation in a WLAN environment using IEEE 802.11 such that a frequency band is available for use by the system is also utilizable

by another communication system operable pursuant to another communication standard.

Regarding 51, Laybourn discloses the system of claim 50, wherein the network access node is a repeater configured to provide a wireless communication link with an access point coupled to the network (i.e., reads on router 20 coupled between the control hub 16 and the Packet Data Network (PDN) 24) (see col. 6,lines 45-51 and Fig. 1).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include repeater or router as a network access node for the purpose of relaying data from a mobile user or network user node to the network.

8. Claims 10,11,19,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laybourn, in view of Hansen et al. ("Hansen"), U.S. Patent No. 5,812,945.

Regarding claim 10, Laybourn discloses the method of claim 9, but fails to explicitly disclose wherein the credit is based on at least one of the time of day and airtime usage of the data signal.

In a similar field of endeavor, Hansen discloses wherein the credit is based on at least one of the time of day and airtime usage of the data signal (col. 2,lines 1-12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include crediting based on air time for the purpose of providing incremental metered payment.

Regarding claim 11, Laybourn discloses the method of claim 9, but fails to discloses wherein the credit is calculated on at least one of a per-packet basis and a flat rate basis.

In a similar field of endeavor, Hansen further discloses wherein the credit is calculated on at least one of a per-packet basis and a flat rate basis (col. 2,lines 1-12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include crediting based on air time for the purpose of providing incremental metered payment.

Regarding claim 19, Laybourn discloses the portable device of claim 18, wherein the credit is based on airtime usage of the data signal.

Regarding claim 20, Laybourn discloses the portable device of claim 18, wherein the credit is calculated on a per-packet basis of the data signal.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include crediting based on units and or flat rate for the purpose of providing incremental metered payment.

9. Claims 38,39,47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laybourn, in view of Hansen et al. ("Hansen"), U.S. Patent No. 5,812,945.

Regarding claims 38 and 47, Laybourn discloses the method of claims 31 and 41 but fails, wherein the credit is based on airtime usage of the data signal.

In a similar field, Hansen discloses wherein the credit (i.e., reads on metered payment) is based on airtime usage of the data signal (col. 2,lines 1-12) .

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include crediting based on air time for the purpose of providing incremental metered payment.

Regarding claims 39 and 48, Laybourn the method of claims 31 and 41,but fails to disclose wherein the credit is calculated on a per-packet basis.

In a similar field of endeavor, Hansen further discloses wherein the credit is calculated on a per-packet (i.e., reads on per unit) basis (col. 2,lines 1-12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Laybourn to include crediting based on units for the purpose of providing incremental metered payment.

10. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Struhsaker, in view of Gray, U.S. Patent No. 6,675,012.

Regarding claim 58, Struhsaker discloses the wireless communication module of claim 57, but fails to disclose wherein the transceiver circuit is configured to communicate with the network user node pursuant to the IEEE 802.11 standard.

In a similar field of endeavor, Gray provides of evidence of an apparatus and method provided for a mobile station operable in IEEE 802.11 WLAN (col. 4,lines 42-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Struhsaker to include use in IEEE 802.11 WLAN for the purpose of providing a standard which allows use of frequency band available for use by the

system also utilizable by another communication system operable pursuant another communication standard (see Gray, col. 3).

11. Claimsa 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson, in view of Gray.

Regarding claims 68 and 69, Laybourn discloses the method of claim 59, wherein the step of forwarding includes transmitting the data signal using a wireless local area network (WLAN) protocol and further wherein WLAN is IEEE 802.11.

Gray discloses wherein the network access node receives and forwards the data signal via a wireless local area network (WLAN) protocol (i.e., reads on mobile station operable on WLAN) and further IEEE 802.11 (col. 4,lines 42-67).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Hanson to include operation in a WLAN environment using IEEE 802.11 such that a frequency band is available for use by the system is also utilizable in another communication standard.

Allowable Subject Matter

12. Claims 7,17,24-27,29,33,35, 43-44 and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: Prior art fails to explicitly disclose providing second account crediting information to the accounting system, wherein the second account crediting information

represents a second credit to be recorded to an account associated with the Internet service provider and the data signal is provided by an Internet service provider.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allen, U.S. Patent No. 6,259,891, discloses an adapter and method for use in a portable communication signal receiver system.

Ollikainen et al., U.S. Patent No. 6,377,981, discloses a modular digital data communication cyberstation and cyberserver.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on 5:30 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Joy Contee
March 21, 2004

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
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